

# Investigation & Suspension Process



This resource details the Licensee Compliance Program investigation and suspension process. The Pennsylvania Liquor Control Board (PLCB) reserves the right to adjust or amend this process to appropriately address repeat offenders.

## INSPECTIONS OF LICENSED PREMISES

Upon receipt of a complaint against a licensee that is actionable by the PLCB (related to seating, food, square footage, room, health license, and other similar requirements), a licensing analyst will conduct an unannounced on-site visit. The analyst, accompanied by a law enforcement officer, will inspect the licensed premises for compliance with the following criteria:

1. **Seating:** Restaurant (R), Eating Place (E), and Hotel (H) licensees must have at least 30 seats (not stacked) on the premises, available for public use. The seats must be immediately available and accessible to the public and may not be concealed or locked behind doors, walls, etc.
2. **Food:** Restaurant (R), Eating Place (E), and Hotel (H) licensees must have sufficient food for at least 30 patrons on premises. Such licensees must also provide for public access a menu or similar indication of food stored on site and available for on premises consumption. See [Licensee Food Guidelines for complete food requirements](#).
3. **Health Permit:** Must be current and valid.
4. **Square Footage:** Analyst will evaluate licensed premises to determine if there are any alterations that differ from the depiction of the approved licensed premises on file. Refer to [Liquor License Requirements by License Type](#) for square footage requirements by license type.
5. **Kitchen:** Eating Place (E) and Hotel (H) licensees must have a kitchen or food preparation area on premises.
6. **Bathroom:** Distributor (D) and Importing Distributor (ID) licensees must have a functional bathroom on premises for employee use.
7. **Rooms:** Hotel (H) licensees must have rooms available for transient guests, unless an exemption waiver was granted.

If no deficiencies are discovered during the inspection, an internal report will be completed and recorded in the licensee's official file with the PLCB Bureau of Licensing.

## ADDRESSING DEFICIENCIES IN MEETING LICENSE REQUIREMENTS

Deficiencies will be documented and addressed with the licensee through the following steps:

1. The analyst will take photographs of the licensed premises and the deficiency(ies).
2. A notice of suspension of operating privileges, effective immediately, will be posted on-site, based on the deficiency(ies). The licensee will be provided with additional information regarding the suspension, including the following:
  - Clarification that suspension of operating privileges means the licensee no longer has the authority to sell or serve alcohol under its liquor license.
  - Notification that a follow-up inspection may be requested by the licensee. Should the licensee prove the deficiency has been remedied during the follow-up inspection, the suspension notice will be removed and operating privileges will be restored.
  - Information on due process and appeal rights. An appeal of the PLCB's decision not to restore operating privileges must be filed with Commonwealth Court.
  - Notification that the license must be submitted for safekeeping if the licensee isn't able to use its operating privileges for longer than 15 days.
3. Each inspection will be recorded in the licensee's official file with the PLCB Bureau of Licensing.
4. The Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE) will be notified of the suspension.

*NOTE: Separately from the PLCB inspection of the licensed premises, accompanying law enforcement officers and/or municipal officials may cite or charge the licensee for other violations.*

## FOLLOW-UP VISIT SUBSEQUENT TO SUSPENSION OF OPERATING PRIVILEGES

At the licensee's request and dependent upon coordination with BLCE and the local health permitting authority, as needed, a follow-up inspection will be conducted within five to 10 business days of the request to determine if the deficiency(ies) have been remedied.

- If so, the suspension notice will be removed, operating privileges will be restored, and the BLCE will be notified.
- If the deficiency(ies) remain, operating privileges will remain suspended.

If deficiencies remain upon re-inspection, a third or subsequent inspection will not be conducted at the same premises within 10 business days of the most recent re-inspection.

All subsequent inspections will also be recorded in the licensee's official file with the PLCB Bureau of Licensing.

# Investigation & Suspension Process



## REPEAT OFFENSES

Should PLCB investigations find repeated instances of deficiencies in meeting license requirements, extended license suspensions will result, as follows.

- A second license deficiency discovered within a rolling 12-month period will result in a minimum license suspension of 20 days before PLCB re-inspection may occur.
- Third and subsequent license deficiencies discovered within a rolling 12-month period will result in a minimum license suspension of 30 days before PLCB re-inspection may occur.

By way of example:

The PLCB receives a complaint that a licensee doesn't maintain seating sufficient for 30 or more people, and the PLCB's investigation concludes the licensee is deficient in meeting this license requirement. The licensee then remedies the deficiency and licensing privileges are reinstated upon reinspection.

Should that licensee be found again to be deficient in maintaining 30+ publicly accessible seats – or deficient in any other license requirement – the license will be suspended for a minimum of 20 days for a second offense and a minimum of 30 days for third and subsequent offenses.

## APPEALS

In cases in which the PLCB refuses to reinstate operating privileges because of a continued or unaddressed deficiency, the licensee may request a hearing before Commonwealth Court. The hearing must happen within 10 days of the request.